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WRITTEN TESTIMONY
LITTLE HOOVER COMMISSION HEARING ON RETAIL THEFT
THURSDAY, NOVEMBER 16TH @ 10 AM

Retail theft has been a growing concern in California and is an increasingly frequent topic of debate in the Assembly Public Safety Committee. As Committee Chair and Legislator, I aim to address the root causes of California's public safety concerns. Recognizing the importance of this issue and the lack of information, Vice Chair of the Assembly Public Safety Committee, Juan Alanis, and I authored a letter to the Little Hoover Commission requesting it investigate retail theft in California and provide the Legislature with much-needed data. Sixty-four other Legislators from the Senate and Assembly agreed that this issue requires more significant research and co-authored the letter. I'm grateful that the voice of this bipartisan coalition has been heard, and the Little Hoover Commission has begun its investigation into retail theft in California.

Californians are troubled by retail theft, but it's difficult to determine the true impact of retail theft. Law enforcement claims that Prop 47 has effectively hindered their ability to respond to retail theft. They argue that reclassifying certain property crimes as misdemeanors has resulted in fewer arrests and freed criminals to continue breaking the law. However, many reported robberies exceed the \$950 threshold set by Prop 47, and legal experts argue that law enforcement agencies and prosecutors have the tools needed to address retail theft without any hurried or short-sighted legislative action. Retailers claim huge losses to theft but fail to specify how much is directly attributed to theft and how much is due to other factors like online sales and operational failures. A September LA Times article pointed out that the lack of transparency on the part of retailers, the misleading or inaccurate loss claims, and the subsequent lack of data make it difficult to make informed judgments about the problem.

Prop 47 passed after a federal order was issued, commanding California to stop overcrowding prisons and end the mass incarceration of black and brown people. Since then, Prop 47 has been refined and adjusted, and California has seen incredible progress. In 2017, I authored AB 1065, which created the Organized Retail Crimes Task Force and expanded jurisdiction to prosecute these crimes. Because of this law, the task force has successfully combatted retail crimes in California with over 1,250 arrests and helped recover \$30.7 million in stolen merchandise. Just last year, I authored AB 2294, which strengthened law enforcement's ability to respond to retail theft by authorizing the misdemeanor arrest of a person with a prior arrest, citation, or conviction for theft. Because of my work, Prop 47 has been strengthened while still fulfilling its intended purpose. If there is a deficiency or hindrance in Prop 47, I fully believe that we should

remedy it. I requested this study to avoid creating a patchwork of hastily written bills that fail to address the core of this problem and needlessly undo the criminal justice reforms that have changed so many lives.

As mentioned earlier, we cannot understand the impact of retail theft, let alone adequately address its causes, without clarity on the issue. My original letter details what data is needed to create a complete picture of retail theft in California. Information from retailers on how many items have been lost, the cost of stolen items, how much loss can be attributed to theft, and how often theft is reported to law enforcement could help illuminate the accurate scale of the issue. Importantly, data from law enforcement on the number of retail theft calls they receive, the percentage of which fall under Prop 47, the percentage of retail theft calls they respond to, and how many cases result in an arrest would shed light on law enforcement's ability and willingness to address retail theft. Information on how many retail theft arrests were referred to district attorneys for prosecution, how many resulted in criminal charges, and, if not why, would also lead to a better understanding of how retail theft cases are being prosecuted. This data will help legislators pinpoint the causes of retail theft and determine how California can improve its response.

Without better data and greater insight into retail theft in California, it would be irresponsible to recommend how the Legislature should tackle this problem. I'm grateful that we will soon have the knowledge needed to determine how California can approach retail theft decisively and effectively. I look forward to the results of the Little Hoover Commission's study. If the data shows more work to be done on Prop 47, I look forward to making the necessary changes to strengthen public safety in California. Working with such a large group of legislators from both sides of the aisle on this issue has been an honor. We can make informed decisions and lasting legislation by working together and continuing to find common ground.